

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kornowski et al.	Art Unit:	1636
Application No.:	10/776,545	Examiner:	D. Guzo
Filed:	February 10, 2004	Confirmation No.:	3121
Title:	INTRAMYOCARDIAL INJECTION OF AUTOLOGOUS BONE MARROW		

MAIL STOP Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioner, MYOCARDIAL THERAPEUTICS, INC., with its place of business at 6275 Nancy Ridge Drive, formerly 6350 Nancy Ridge Drive, Suite 103, San Diego, CA 92121, represents that Petitioner is the Assignee of 100 percent interest in Application Serial No. 10/618,183, filed July 10, 2003, entitled INJECTION OF BONE MARROW-DERIVED CELLS AND MEDIUM FOR ANGIOGENESIS as evidenced by the attached Assignment. The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, MYOCARDIAL THERAPEUTICS, INC., disclaims the terminal part of any patent granted on the subject matter of the above-identified U.S. Patent Application Serial No. 10/776,545, filed February 10, 2004, that would extend beyond the expiration date of any patent that may be granted based on U. S. Patent Application No. 10/618,183, filed July 10, 2003. Petitioner hereby agrees that any patent so granted on the above-identified U.S. Patent Application Serial No. 10/776,545 shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to any application that may be granted on U. S. Patent Application No. 10/618,183, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.


Additionally, the undersigned, attorney of record for Petitioner, MYOCARDIAL THERAPEUTICS, INC., with its place of business at 6275 Nancy Ridge Drive, formerly 6350 Nancy Ridge Drive, Suite 103, San Diego, CA 92121, represents that Petitioner is the Assignee of 100 percent interest in U.S. Patent No. 7,097,832, entitled INTRAMYOCARDIAL INJECTION OF AUTOLOGOUS BONE MARROW as evidenced by the attached Assignment. The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, MYOCARDIAL THERAPEUTICS, INC., disclaims the terminal part of any patent granted on the subject matter of the above-identified U.S. Patent Application Serial No. 10/776,545, filed February 10, 2004, that would extend beyond the expiration date of U. S. Patent 7,097,832. Petitioner hereby agrees that any patent so granted on the above-identified U.S. Patent Application Serial No. 10/776,545 shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to U. S. Patent No. 7,097,832, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Please charge Deposit Account No. 07-1896 in the amount of \$65.00 for a Terminal Disclaimer fee. No additional fee is deemed necessary with the filing of this paper. However, the Commissioner is hereby authorized to charge any other fees that may be required by this paper or credit any overpayments to Deposit Account No. 07-1896, referencing the above-identified docket number.

Respectfully submitted,

Date: September 5, 2007



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Attachment: 1. Copies of (2) Assignments